

## **BOROUGH OF REIGATE AND BANSTEAD**

### **LICENSING SUB-COMMITTEE**

Minutes of a meeting of the Licensing Sub-Committee held at the Town Hall, Reigate on Monday 10th October 2005 at 10.00 a.m.

Present: Councillor Mrs. G.L. Circus (Chairman); Councillors Mrs. D.E. Durward and S.A. Gates.

#### **1. LICENSING SUB-COMMITTEE – PROCEDURE RULES**

**RESOLVED** that the Procedure Rules for meetings of the Licensing Sub-Committee be noted.

#### **2. APPLICATION FOR VARIATION OF PREMISES LICENCE – THE WOOLPACK, HIGH STREET, BANSTEAD**

The Sub-Committee received a report on an application to vary an existing Justices' Licence for The Woolpack, High Street, Banstead.

The Sub-Committee followed the recently adopted procedure for the consideration of applications under the Licensing Act 2003 taking account of the statement of licensing policy that had been adopted by the Council.

The Sub-Committee heard the report from the Licensing Officer, representations from the applicants and their representative, and from the Environmental Protection Team. Written representations had been received from sixteen local residents together with a petition, and a number of residents were present at the meeting and addressed the Sub-Committee. In their submission, the applicants proposed a number of amendments to closing times and conditions and also stated that a computerised music management system had been installed at the premises.

Questions were put to the Licensing Officer, the applicants and their representative, and to the representative of the Environmental Protection Team, who were then asked to give their closing statements.

On completion of hearing all the representations, questions/answers and summing up from all parties, the Sub-Committee adjourned to deliberate its decision from 11.30 a.m. to 12.37 p.m. On return the Chairman explained that the Sub-Committee had taken account of the following factors in reaching its decision. The Sub-Committee had paid due regard to the comments made by the applicants and their representative, and those made in writing and orally by the objectors. The Sub-Committee noted the advice of the Environmental Protection Team and the fact that there had been no representations from the police. Consideration had been given to the totality of the evidence given and account had been taken of the fact that the applicants had managed the premises for only ten weeks. On balance, greater weight had been attached to the views of the complainants rather than those of the applicants in view of the number of complaints received and the fact that they were independent of each other but all of similar effect. Specific regard was paid to the need to promote the licensing objective

of prevention of public nuisance particularly in view of the location of the premises in a residential area. The Sub-Committee noted the aims of the Licensing Act 2003 and paid regard to the Council's statement of licensing policy, the statutory guidance, Human Rights legislation and the rules of natural justice. Members considered that the attachment of the agreed conditions would address the concerns raised, and was necessary for the prevention of public nuisance.

**RESOLVED** that the application for the variation of the existing Justices' Licence for The Woolpack be granted subject to the following:-

(i) The hours for the Supply of Alcohol (Section M) shall be:

Sundays to Thursdays – 10.00 hours to 23.00 hours  
Fridays and Saturdays – 07.00 hours to 00.30 hours

(ii) The hours the Premises are open to the Public (Section O) shall be:

Sundays to Thursdays – 09.00 hours to 23.30 hours  
Fridays and Saturdays – 06.00 hours to 01.00 hours

These hours shall also apply to Sections E (Live Music), F (Recorded Music), H (Anything of a similar description to that falling within (e), (f) or (g)), J (Provision of Facilities for Dancing) and L (Late Night Refreshment).

(iii) No more than 20 events per calendar year to include St. David's Day, St. Patrick's Day, St. George's Day and St. Andrew's Day;

(iv) No more than 2 events per week;

(v) The Licensee shall ensure that any music provided at the premises shall not cause a disturbance to local residents. From 23.00 hours any music shall be inaudible in any residential property, the test of which is that it shall be no more than barely audible at the boundary of any residential property.

(vi) No use of outdoor areas by patrons after 23.00 hours, except for ingress to and egress from the premises;

(vii) External lighting to be kept to a minimum compatible with safety purposes after 23.00 hours;

(viii) No regulated entertainments are to take place outside the building and the term 'outside the building' includes within a tent, marquee, lightweight or temporary structure, vehicle or anything similar to any of the aforementioned.

The Chairman informed those present that notification of the Sub-Committee's decision would be sent out in writing in due course.

### **3. APPLICATION FOR VARIATION OF PREMISES LICENCE – THE FLAME GRILL, HIGH STREET, BANSTEAD**

The Sub-Committee received a report on an application for a new Premises Licence for The Flame Grill, High Street, Banstead.

The Sub-Committee followed the recently adopted procedure for the consideration of applications under the Licensing Act 2003 taking account of the statement of licensing policy that had been adopted by the Council.

The Sub-Committee heard the report from the Licensing Officer, and representations from the applicant and his representative and from an objector on behalf of a petition that had been submitted. It was noted that the Environmental Protection Team had made no objection to this application. The Sub-Committee also noted that no alcohol would be sold from the premises, and that the application related solely to the hours the premises would be open to the public (Section O) and late night refreshment (Section L).

Questions were put to the Licensing Officer, the applicant and his representative, and to the representative of the Environmental Protection Team, who were then asked to give their closing statements.

On completion of hearing all the representations, questions/answers and summing up from all parties, the Sub-Committee adjourned to deliberate its decision from 1.00 p.m. to 1.19 p.m. On return the Chairman explained that the Sub-Committee had taken account of the following factors in reaching its decision. The Sub-Committee had paid due regard to the comments made by the applicant and his representative, and those made in writing and orally by the objector. It was the view of the Sub-Committee that the specific incidents mentioned by the objector could not be directly attributable to these premises. The Sub-Committee noted the fact that there had been no representations from the Environmental Protection Team or from the police. Specific regard was paid to the need to promote the licensing objective of prevention of public nuisance particularly in view of the location of the premises in a residential area. The Sub-Committee noted the aims of the Licensing Act 2003 and paid regard to the Council's statement of licensing policy, the statutory guidance, Human Rights legislation and the rules of natural justice.

**RESOLVED** that the application for a new Premises Licence for The Flame Grill be granted as follows and subject also to a sign being prominently displayed on the premises requesting patrons to keep noise to a minimum by turning off car engines, car radios and car stereos:-

- (a) Section O – Hours premises are open to the public – Monday to Sunday 11.30 hours to 00.45 hours.
- (b) Section L – Late Night Refreshment – Monday to Sunday 23.00 hours to 00.30 hours.

#### **4. MEDIATION CASES**

It was reported that no cases had arisen since the preparation of the agenda where formal approval was required for applications where agreement had been reached by mediation.

#### **5. ANY OTHER URGENT BUSINESS**

None.

**The meeting closed at 1.21 p.m.**